

REMARKS

In response to the above-identified Office Action (“Action”), Applicants submit the following remarks and seek reconsideration thereof. Claims 1-3 are pending in the present application. Claims 1-3 are rejected. In the instant response, no claims are amended, no claims are cancelled and no claims are added.

I. Claim Rejections Under 35 U.S.C. §103

A. In the outstanding Action, claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,565,974 issued to Smoot (“Smoot”) in view of U.S. Patent No. 5,475,342 issued to Nakamura et al. (“Nakamura”) and further in view of French Publication No. 2532802 issued to Jarret et al. (“Jarret”). Applicants respectfully traverse the rejections as follows.

To establish a *prima facie* case of obviousness, the Examiner must set forth “some articulated reasoning with some rational underpinning to support the conclusion of obviousness.” See *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007). In the case where the Examiner relies upon the rational of applying a known technique to improve a similar device, method or process, the Examiner must show that the results would have been predictable to one of ordinary skill in the art. See *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103*, Section III(D), issued by the U.S. Patent and Trademark Office on October 10, 2007.

In regard to independent claim 1, Applicants respectfully submit the combination of Smoot, Nakamura and Jarret fails to disclose at least the element of “a gain controller, which compares the first reference voltage with a comparison voltage and outputs the control signal which controls a gain of the pre-amplifier according to the comparison result.”

In the Action, the Examiner admits Smoot fails to explicitly disclose a gain controller which compares a first reference voltage with a comparison voltage and outputs the gain control signal as claimed. See Action, page 4. The Examiner instead alleges the gain control circuit described in Jarret teaches this element. See Action, page 5. The Examiner characterizes the gain control circuit of Jarret as performing gain control by comparing an amplified *electrical signal* with a reference signal and adjusting the gain of the preamplifier according to the

comparison result. See Action, page 5. The gain controller of claim 1, however, requires a comparison of a first reference *voltage* with a comparison *voltage*, not an amplified electrical signal as disclosed in Jarret, and output of the control signal which controls a gain of the pre-amplifier according to the comparison result. Accordingly, the portion of Jarret relied upon by the Examiner fails to cure the deficiencies of Smoot with respect to the claimed gain controller. The Examiner has further not identified a portion of Nakamura disclosing this element.

Thus, for at least the foregoing reasons, the combination of Smoot, Jarret and Nakamura fails to disclose each and every element of claim 1. Since each of the elements of claim 1 are not found within the prior art, a *prima facie* case of obviousness may not be established. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103 over Smoot, Jarret and Nakamura.

In regard to claim 2, claim 2 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons that claim 1 is not *prima facie* obvious over Smoot, Jarret and Nakamura. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. §103 over Smoot, Jarret and Nakamura.

B. In the outstanding Action, claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Smoot in view of Nakamura and further in view of Jarret and further in view of U.S. Patent No. 5,602,510 issued to Bayruns et al. (“Bayruns”). Applicants respectfully traverse the rejections as follows.

Claim 3 depends from claim 1 and incorporates the limitations thereof. For at least the reasons previously discussed, neither Smoot, Nakamura nor Jarret disclose the element of “a gain controller, which compares the first reference voltage with a comparison voltage and outputs the control signal which controls a gain of the pre-amplifier according to the comparison result.” The Examiner has further not identified a portion of Bayruns curing the deficiencies of Smoot, Nakamura and Jarret with respect to at least this element. Since each of the elements of claim 3 are not found within the prior art, a *prima facie* case of obviousness may not be established. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. §103 over Smoot, Jarret, Nakamura and Bayruns.

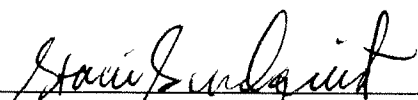
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-3, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

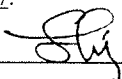
Dated: December 7, 2007

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on December 7, 2007.


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